

1 2012 OMAHA LEAD SUPERFUND SITE
2 8 (A) SET-ASIDE PRE-BID CONFERENCE
3 SOL-R7-12-00016
4
5

6 Taken before Brianne L. Starkey, RPR, CRR,
7 General Notary Public within and for the State of
8 Nebraska, beginning at 8:01 a.m., on April 11, 2012,
9 at the offices of the Omaha Public Schools,
10 3215 Cuming Street, Omaha, Nebraska.

11

12 A P P E A R A N C E S

13 Yolanda Nero Senior Contracting Officer
14 Dave Drake Section Chief, Superfund Division
15 Dan Garvey Alternate Project Officer
16 Jack Peterson Senior Contracting Officer
17 Don Bahnke Alternate Project Officer
18 Chester Stovall Small Business Specialist
19 Marie Noel Senior Contracting Officer
20 Vicki Damm Database Manager
21 Pauletta Project Officer
22 France-Isetts

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1 (Whereupon, the following proceedings were
2 had, to-wit:)

3 YOLANDA NERO: Good morning to
4 everyone. It must be a cold morning, isn't it?

5 First of all, I want to thank everyone for
6 coming out this morning with this opportunity to
7 submit a bid for our 2012 Omaha lead site 8(a)
8 set-aside conference, pre-bid conference.

9 To make sure that everyone is at the right
10 bid conference that you're anticipating to bid on,
11 the solicitation number for this pre-bid conference
12 is SOL-R7-12-00016. I'm going to repeat that again.
13 For this pre-bid conference for this morning, the
14 solicitation number is SOL-R7-12-00016. And the
15 title of it is 2012 Omaha lead site pre-bid
16 conference.

17 My name is Yolanda Nero. I am the
18 placement contracting officer who's placing both the
19 8(a) and the small business solicitation.

20 Since this is my first time being at this
21 building, I'm told that the rest rooms are outside
22 the door to the left, so if any of those -- any of
23 y'all need to go to the rest room, they're outside
24 to the left there.

25 At this time, I just want to introduce the

1 rest of our team, our acquisition team, who is
2 involved in the project as well and see where they
3 are all located at. Majority of them are located at
4 our table.

5 First I want to introduce our section
6 chief, one of our section chiefs in the branch,
7 Mr. Dave Drake.

8 Then I want to introduce my partner in bid
9 crime, senior contracting officer Ms. Marie Noel.
10 She's helping out at the pre-bid conference.

11 Also another one of my partners in bid
12 crime, our project officer that's going to be
13 managing this contract which is the 8(a) set-aside,
14 Ms. Pauline France-Isetts -- Pauletta, I'm sorry.
15 Please forgive me for that.

16 And then also I want to introduce another
17 partner on this solicitation, I'm not going to say
18 crime, but Mr. Daniel Garvey. He's going to be the
19 alternate project officer on this particular
20 contract. Okay?

21 Then I want to introduce Ms. Vickie Damm.
22 She's an EPA employee. I can't remember what your
23 title is, but she plays a very integral part on our
24 Omaha contracts.

25 Then we have two more EPA employees. We

1 have Mr. Jack Peterson. He's a senior contracting
2 officer. He will be managing the small business
3 contract. So in other words, him and I are going to
4 be working together for the next three or four years
5 if this contract goes through that point. He's
6 going to be my alternate on this contract.

7 I am going to be the senior contracting
8 administrative officer on this contract, the 8(a).
9 So on the 8(a), he's the alternate. On the small
10 business, he's going to be the primary, okay,
11 Mr. Jack Peterson.

12 And then we also have Mr. Don Bahnke.
13 He's working on other contracts as well, but I'm
14 quite sure he probably has some insights or
15 participation on this contract if need be, Mr. Don
16 Bahnke.

17 So I just wanted to introduce our EPA
18 contracts to you, and also there's one other person
19 who loves -- was always helpful to us there, he's
20 walking around, that's Mr. Chester Stovall. He's
21 our small business coordinator for EPA. And I
22 believe I have everyone. Okay?

23 So Mr. Chester, I'm just going to ask you
24 if you can come and just give us a brief talk on any
25 small business opportunities at this present time.

1 CHESTER STOVALL: Very good. Thank
2 you, Yolanda.

3 Again, I'm Chester Stovall, and glad to
4 have you here at the pre-bid conference for the 8(a)
5 lead site for the Omaha resident yard cleanup.

6 We've done a number of contracts in Omaha,
7 a number of contracts through our region, and all of
8 them have been some form of small business
9 set-aside. As a regional office, we totally believe
10 in small businesses, we do, not only because you're
11 great and wonderful or because you do a great job at
12 a great price and you're all very responsible and
13 responsive and we appreciate that.

14 In terms of upcoming opportunity besides
15 the two here in Omaha, as you know, this is the
16 morning session for today, the 8(a). At 11 o'clock,
17 we're going to have a small business pre-bid
18 conference. You're more than welcome to stay for
19 that if you want.

20 The one thing before I go any further, the
21 sign-in sheet -- who has the sign-in sheet? Raise
22 your hand, please. There's one. Is there another
23 one someplace?

24 Okay. Once you finish that, please pass
25 it along. We like to make sure everyone gets a

1 chance to sign those. The plan, I can't guarantee
2 the plan, is that we get copies of those and get
3 those back to you before you leave maybe about
4 10:30 today. So when I hit the door and I raise my
5 hand, if you're not on that sign-in sheet, stop me;
6 otherwise, you will not be on the sign-in sheet both
7 passed out today and also won't be posted online.

8 Upcoming contract opportunities. We have
9 one scheduled for Southwest Missouri. In Newton
10 County, Newton County is directly south of Jasper
11 County. Jasper County is the home of Joplin,
12 Missouri. That's going to be service-disabled
13 veteran set-aside, the type of work will be cleanup
14 of lead mine waste. Service-disabled veteran
15 set-aside, we expect that to be in the area -- in
16 the range of between 15 to 25 million.

17 We expect that to be on the street in
18 about three to four weeks. I've been saying that
19 for a couple months, but it might be longer than
20 that, Marie? Okay. Maybe six to seven weeks.

21 If you don't have my card, see if you can
22 get that card before we leave. My name will be on
23 the sign-in sheet also. Give me a call if you want
24 an update on that. I'll also give you a site in a
25 minute where we have our forecast posted.

1 Another contract we have upcoming will be
2 the same general area in Southwest Missouri. This
3 also will be a service-disabled veteran set-aside.
4 This contract will also be for lead mine waste
5 cleanup, and this will be more toward the Jasper
6 area. Oronogo will be the name of it when it
7 appears in the area of between 25 to 50 million.
8 That might be out quicker than the Newton County
9 one. Expect that in four weeks.

10 We haven't actually gotten the paperwork
11 into contract shop yet, but we've been working on
12 these as an office on these two opportunities for
13 quite some time.

14 Some other things we've got coming up that
15 we really can't talk about right now, but a number
16 of things are happening that you'll get a chance to
17 see and bid on. Right quick, our presolicitations
18 are always on fbo.gov, presolicitations.

19 If you're not registered, I recommend you
20 go on the site and register under the NAICS Code
21 Environmental Remediation 562910, same as this
22 contract. Register and they'll send you a notice
23 when the presolicitation hits. Our solicitations
24 will be listed at a site identified in the
25 presolicitation.

1 So we're glad to have you men and women
2 here. Have I forgotten anything, any upcoming
3 things that we have a definite handle on? Glad to
4 have you.

5 Hope you give us a good strong bid. And
6 if you're expected to be a subcontractor on this one
7 or the other one, please don't be bashful, okay,
8 because this is the 44th contract we've done of this
9 type, site-specific one. The 45th one will be later
10 this morning.

11 In 100 percent of the cases, in
12 100 percent of the cases, the winning prime was in
13 the room at the pre-bid. So there's an extremely
14 strong chance the winner of this contract is in the
15 room right now. Pass your business cards out,
16 collect business cards, and get a chance to do some
17 networking.

18 With that, back to our master of
19 ceremonies, none other than our chief contracting
20 officer for this contract, Yolanda Nero.

21 YOLANDA NERO: Thank you so very
22 much, Chester. Now that you guys have had an
23 opportunity to be introduced to EPA staff there, we
24 would like to have the opportunity to -- just for
25 you to provide your name, name of your company,

1 whether you're a prime or a sub there. So I'm going
2 to start out. You don't have to be long or -- name
3 of your company, whether you're prime or a sub.
4 This should not take a long time.

5 CHESTER STOVALL: And where you're
6 from.

7 YOLANDA NERO: And where you're from.

8 COURT REPORTER: And nice and slow.

9 YOLANDA NERO: Nice and slow for the
10 transcriber.

11 JANA PFEFFERKORN: Jana Pfefferkorn,
12 Pfefferkorn Design & Services. We're a sub.

13 BERNIE ESSELMAN: Bernie Esselman,
14 Test America Labs, sub.

15 LEELA OUDIT: Leela Oudit from
16 Maryland, prime, L and M Construction.

17 SHIV LAKHAN: Shiv Lakhan from
18 Maryland, L and M Construction, prime.

19 KYLE GUNION: Kyle Gunion from
20 Kansas City, Missouri, L and M Construction, prime.

21 DAVE HRON: Dave Hron, EW Wells,
22 Omaha, prime.

23 BRIAN MACKENZIE: Brian Mackenzie,
24 Sealand Enviro, sub, with a big bonding line.

25 CHESTER STOVALL: Where are you from?

1 BRIAN MACKENZIE: Connecticut.

2 MARK BEDARD: Mark Bedard, Sealand

3 Enviro, Connecticut, sub.

4 LISA TEDESCO: Good morning. I'm

5 Lisa Tedusco. I'm with the small business

6 administration here in the Nebraska district office.

7 MATT SYKORA: Matt Sykora, Heimes

8 Excavating, Omaha, sub.

9 DARYL BIERE: Daryl Biere,

10 ICR Services, Ashland, Nebraska, prime.

11 JOE COMBS: Joe Combs,

12 B2 Environmental, Omaha, Nebraska, sub.

13 MEREDITH WATSON: Meredith Watson

14 with Terranext out of Kansas City, and sub.

15 JUSTIN LAMBERT: Justin Lambert,

16 Ho Chunk Builders, Sioux City, Nebraska, prime.

17 SUDHIR MANTRI: Sudhir Mantri,

18 Industrial & Environmental Services, Chicago, prime.

19 PATRICK BOLGER: Patrick Bolger with

20 Denovo Constructors, Chicago.

21 JOSH RANDALL: Josh Randall, Quality

22 Environmental Professionals out of Minneapolis,

23 prime.

24 JOHN NAVARRO: John Navarro, Navarro

25 Enterprise, Omaha, Nebraska, prime.

1 STEVE SIMONEAUX: Steve Simoneaux,
2 Bay Shore Contractors Grand Rapids, Michigan, prime.

3 THERON DUGGAN: Theron Duggan, Encon
4 International, Baxter Springs, Kansas, prime.

5 BILL YSTUETA: Bill Ystueta, Global
6 Environmental, prime out of St. Louis.

7 RALPH NICKOLAS: Ralph Nickolas with
8 MFH Environmental of El Paso, Texas, prime.

9 JOHN DOUGHERTY: John Dougherty,
10 Dougherty Sprague Environmental, Dallas, prime.

11 FRED WASHINGTON: Fred Washington,
12 Coastal Environmental, Omaha, Nebraska, prime.

13 JODI VACCARO: Jodi Vaccaro, Coastal
14 Environmental, Omaha, Nebraska, prime.

15 JUSTIN GRISHAM: Justin Grisham,
16 Grisham Grading out of Platte City, Missouri, prime.

17 KEVIN WRIGHT: Kevin Wright, Grisham
18 Grading, Platte City, Missouri, prime.

19 KELLY GREENE: Kelly Greene,
20 Platte City, Missouri, Grisham Grading, prime.

21 RONALD BATISTE: Morning. I'm Ronald
22 Batiste, Eagle Environmental Construction, prime
23 contractor out of San Francisco, California.

24 SHANNON HOLT: Shannon Holt, Prudent
25 Technologies, Omaha, Nebraska, prime.

1 JOHN VRENICK: John Vrenick, Prudent
2 Technologies out of Omaha, prime.

3 AARON SICKELS: Aaron Sickels, J&S
4 Construction, Kellerton, Iowa, prime.

5 KELLEY SANDERS: Kelley Sanders,
6 Professional Environmental Engineers, Omaha, sub.

7 BOB LOUDEN: Bob Louden with
8 Professional Environmental Engineers out of Omaha,
9 sub.

10 MARY CASTANEDA: Mary Castaneda,
11 Public Information Center, Omaha. I'm just here as
12 an observer and a photo journalist.

13 RAUL GARCIA: Raul Garcia, Vista
14 Environmental out of California, sub.

15 KIMBERLIE BUMGARDNER: Kimberlie
16 Bumgardner, TMG Services, Saint Albans, West
17 Virginia, prime.

18 RODNEY BUMGARDNER: Rodney
19 Bumgardner, TMG Services, Saint Albans,
20 West Virginia, prime.

21 YOLANDA NERO: Has everyone
22 introduced themselves? Thank you all so very much
23 there.

24 Now we're going to have Mr. Daniel Garvey
25 to come to do a Power Point presentation in regards

1 to this solicitation, Mr. Dan Garvey.

2 DAVE DRAKE: Okay. We're going to
3 start here with Dan's presentation. Let's let him
4 get through the presentation instead of interrupting
5 him a lot of times throughout, so we'll just sit
6 tight if you can and listen to Dan. We'll go
7 through the presentation. Then when he's done,
8 we'll have a long question and answer period to go
9 through any questions you might have from the floor.

10 And we also have prepared answers to
11 several questions that have already been submitted,
12 so we'll go through all that and there should be
13 ample time to do that.

14 Just a quick reminder, if you're here for
15 both of these, we will have a break between them.
16 They're not going to go just back to back. So we
17 will recess after this first solicitation after we
18 talk about this. Then we will start up for the
19 second one. That's it. Okay, Dan.

20 DAN GARVEY: Morning. My name's Dan
21 Garvey, and I've worked here at Omaha at this site
22 since 2002. And I feel like I've walked every
23 street in our site area about 50 times, and I'm
24 pretty familiar with the project.

25 I've worked with a lot of different

1 contractor groups. It's been a -- it's been a
2 privilege to help a community, even though it's not
3 mine, to make a livelihood to make things --
4 alleviate a human health threat.

5 A couple things I want to talk about, I
6 want to talk about what a project officer does and
7 what that means to the group that gets awarded this
8 contract, and then I've got a brief Power Point
9 presentation I'm going to show you.

10 And it's geared more towards groups that
11 have never worked on the project. What I'm trying
12 to do is I'm trying to put pertinent work task in my
13 Power Point, and then try to gear you towards the
14 part of the performance work statement that lists
15 the kinds of things that you're supposed to do to be
16 successful.

17 The project officer, which Don and
18 Pauletta, we're all project officers on different
19 contracts. I'm going to work with the small
20 business. I'm going to work with the group after
21 your group, but we're pretty much the boots on the
22 ground people for EPA.

23 We'll accept most all of your deliverables
24 on the contract. We initiate your funding to get
25 approved through EPA. We also would review your

1 invoices and approve your payments on behalf of the
2 government. We participate in weekly meetings. We
3 would walk through properties when they're complete
4 to sign them off so you get paid. We get involved
5 with citizen's complaints, and so we are very
6 involved and very interactive with the group.

7 One or all of us are here pretty much
8 during the business week to support you and -- you
9 know, I know for myself that, you know, that's one
10 of my goals is to, you know, decide when I leave on
11 Friday the kind of stuff to help the group, to sign
12 their manifests for disposal, to ship their soils
13 and that kind of thing.

14 So we're here to monitor the activity of
15 the group in accordance with the contract but also
16 assist with the project and try to make it
17 successful.

18 Let's go ahead and bounce into this. We
19 threw a slide up here to show you the site area, and
20 it's like 27 square miles. And I know you can't
21 read those streets, but it's the river out to, like,
22 56th and then up to Read and then Harrison Street to
23 the south. So it gives you -- it gives you an idea.

24 It's all -- pretty much all residential.
25 There's empty lots, but parts of this project that

1 are different. I've been a superfund project
2 manager on about 28 different superfund sites in the
3 four state area, and what is uniquely different
4 about this site is other projects that I've worked
5 on, we do 20 or 30 residential properties and clean
6 up some big, commercial area or something like that.

7 We are -- we're doing thousands of
8 properties per year in this area, so we're reaching
9 out and touching a whole lot of people in a short
10 period of time.

11 And so what's different about that to
12 think about is like in your work statement where
13 it's got like a customer complaint kind of thing,
14 we'll talk a little bit more about that, but
15 communication and just dealing with a whole lot of
16 people in a short period of time, that makes this
17 project very unique for EPA.

18 The number of properties, potential number
19 of properties in this contract, you can read it up
20 there. The first year, 200 properties with
21 5 options of 100, and then beyond that it's
22 100 properties with 4 options of 100 for a potential
23 total of 2,600 properties.

24 Property sketches take on a whole new
25 meaning. Here in Omaha we issue sketches to the

1 contractors and Vickie over here is our database
2 person that handles that and takes care of that in
3 our database.

4 You can imagine the properties where the
5 homes get knocked down, they build a new home, they
6 knock a tree down. You see a tree up in that
7 left-hand part of that quadrant, and so there's
8 changes that are just due to kind of life.

9 And part of your work statement requires
10 that these sketches get -- if there's an error in
11 them, that you brought them to EPA's attention, and
12 we have one of our other contractors make those
13 corrections to the sketches. These sketches are
14 very important.

15 You can see the lead levels up in the
16 middle column up there, the 332, the lead levels,
17 and there's different things on the sketch that the
18 group that gets that contract will become real
19 familiar with.

20 So these are important documents that you
21 use that you would give your equipment operator and
22 your crew to go out and do a property.

23 In lieu of driving around the city with
24 100 people in cars, I thought I'd throw an example
25 of a home here in Omaha. I want everybody to know

1 this is not the exact sized home of every home
2 you're going to be assigned. It's going to vary in
3 size, but just to give you a feel for it. You'll do
4 one-fourth of a yard or half of a yard or the whole
5 yard, and it depends property to property.

6 I'm going to steer you towards those
7 sections that I wrote in there for the performance
8 work statement. This is what the EPA people use.
9 This is what I carry in my back pocket as a work
10 statement. And the companies that have worked here
11 will tell you that that's what I carry in my back
12 pocket every week.

13 Section 2.6.1, backfill quality grading.
14 So when you look at that property, there's
15 requirements for types of soil that you put in the
16 ground and the type of testing that has to be
17 nutrient testing and organic content percentage
18 testing. So all that is in your documents when you
19 prepare your bid.

20 You look at that yard, and it's like is
21 that a rut going down the middle of the yard or is
22 that a shadow kind of a thing. So if you delay your
23 sod, those kind of requirements are in the work
24 statement.

25 The banner tape that goes around to reduce

1 the risk of a lot of the property owners entering
2 the property without playing in the remediated area.

3 The contract talks about QA sampling. We
4 have EPA personnel that come up here during the
5 week, and they take samples up to 10 percent, so
6 it's a way to, I don't know, like, double-check your
7 work from the government's standpoint of being able
8 to tell the community that the product needs to be
9 monitored.

10 There's rules in the statement of work
11 that talk about, like, a 24-hour turn-around for the
12 QA people, for the EPA people, so they don't -- you
13 don't call them and you excavate a property, and it
14 takes two months to come out and do it. It hurts
15 your process there.

16 The QA people are here like we're here,
17 and it seems like it works pretty good communicating
18 with the right person for the contract group to have
19 them go out and sample it. If the property fails,
20 then the contractor is required to go out and
21 excavate a little bit more to get it to pass.

22 One change in this contract is 4-inch
23 minimum for excavation. We've kind of gone full
24 circle in my time on this project, and we're back to
25 the specified depth. And so when I -- I had that

1 picture in there already without knowing that we had
2 a 4-inch minimum, and I thought is that a 4-inch
3 minimum in that concrete? So you guys look at it
4 because I'll be looking at it when I go out to the
5 property to make sure we went 4 inches.

6 Grading, compaction, sod growth, you know,
7 these are all big issues. It talks in the work
8 statement about how you'll slope away from
9 foundations, how you'll compact the soil.

10 We've -- I have learned a lot about soil
11 science since I've been here and grass growth, and
12 the idea is that we leave this community in at least
13 equal or -- equal condition to how we found it. And
14 sod growth in August in Omaha in dry years has taken
15 on a whole new meaning for me, and we have a lot of
16 requirements in there that talk about that to try to
17 help these property owners sustain the sod growth
18 once this project is over.

19 Just kind of the magic of the equipment
20 operators, how they grade and bring backfill in, and
21 the -- I'm always kind of amazed when I go to a
22 property and see how well somebody makes a decision
23 about grading and swales and different things they
24 do on properties. But there are sections in the
25 work statement that are going to talk about that,

1 and it's things that we'll look it.

2 We field complaints all the time here on
3 the project. And soil that subsides 3 inches along
4 somebody's sidewalk is kind of tough when they take
5 the mower out for the season, or the water stop
6 boxes that are in the front of people's yards, when
7 they turn the water off and all of a sudden the
8 thing's sticking 4 inches out of the ground six
9 months after you're there. Those are problems that
10 we have faced, and so we have requirements that try
11 to alleviate that.

12 We'll talk about the image on a couple
13 slides, but the -- a lot of these properties are
14 very vulnerable. Every property, every house that
15 we go to seems like it's 100 years old.

16 So you've got requirements for digital
17 video. And my experience with this is if you give
18 some person a camera and say run around and do this
19 in two minutes, this might not help you in the long
20 run when it comes to claims and videoing. It's
21 helpful to have videos that clearly show damage
22 that's existing. You will encounter situations with
23 property owners that this will be helpful.

24 You see the fence, a lot of people that I
25 have found here -- not too much different in

1 Kansas City where I live, I don't know every crack
2 that's in my concrete driveway. So what happens is
3 when you go to the property, they don't know, but
4 you're going to be talking about cracks in the
5 driveway. So I would just be thinking about that.

6 You see that fence is damaged. It's
7 helpful to have that shot and say, Here you go, sir
8 or madam. This is a preexisting condition on that
9 fence.

10 This shot is a good yard, good grass.
11 There's two things that stick out to me as the
12 biggest problem on this project that I have had to
13 face. One is grass growth, and one is damage
14 complaints.

15 And one change that we got in this new
16 contract is biodegradable backing, and we have had
17 problems in the past with this kind of plastic
18 backing on sod where we have poor sod growth but the
19 backing kind of starts sticking up in their yards,
20 and so they're mad because their sods aren't
21 growing, they're mad because the plastic stuff is
22 sticking up in their yards. So this is one thing
23 that's worth reading about when you prepare your
24 bid.

25 And damage, we -- I cannot explain to you,

1 in 1992 when I first came here, we did
2 32 properties. We did the most contaminated
3 properties at this site in the early years. But as
4 the years go on and we're doing more properties and
5 people know that we're here more, I receive
6 complaints from ten years ago on this project. And
7 complaint management has just taken on a whole new
8 life for me. I've never been on a project this long
9 in a community with this many people.

10 I would tell you that these sidewalks that
11 are 100-year-old sidewalks may not have been built
12 on the code from 100 years ago kind of stuff, so I
13 would be careful. I would be courteous.

14 The work statement talks about getting
15 access from neighbor's property. These people are
16 the citizens of this community. I mean, I treat
17 everyone like they're, you know, on Rodeo Drive
18 pretty much. So do not go into areas -- even if the
19 building was shelled out in a fire doesn't give the
20 contractor a right to access on somebody else's
21 property without this kind of consideration. It
22 causes problems for everybody to do it.

23 You're going to have damage on properties,
24 and you're going to be in situations. There's
25 requirements. I'm going to talk about protective

1 things you put down in the driveway before you drive
2 your truck on it. If the driveway's got
3 1,000 cracks in the driveway and you take a dump
4 truck on the driveway, you're putting yourself in a
5 risk because it's going to do additional damage.

6 And I don't know if you can read my
7 writing there. Damage claims will occur. Be ready
8 to deal with them. You know, we don't -- we're fair
9 with these damage claims. We do not -- the ones I
10 deal with from years past were fair. We don't give
11 people things they don't deserve, but we're
12 responsive and deal with them. We sure seem like we
13 get a lot of them.

14 That one there, you see those two cracks
15 in that kind of side wall of that step? You know,
16 that person's calling me from, like, five years ago.
17 So this is the kinds of things we deal with on the
18 project.

19 As the project matured, we have -- it
20 seems like there's more and more requirements and
21 different things to think about. In the work
22 statement, it talks about Clean Water Act and
23 Stormwater Pollution Prevention Plans. And the idea
24 is when superfund has a project that we don't
25 violate a whole bunch of other federal laws and

1 different things.

2 And so this is a subject that I've learned
3 a lot about in the last couple of years. When
4 you -- the idea is to not let sediment go into a
5 storm drain that goes out in the river and violates
6 the Clean Water Act.

7 And so this is just an example of a
8 facility that we used for a long time that we're not
9 using anymore where they -- we block these drains
10 from sediment entering into them.

11 And part of your requirements is a
12 Stormwater Pollution Prevention Plan that you'll
13 submit, and then actually part of it is you'll
14 monitor, they call them BMP, best management
15 practices, on a Stormwater Pollution Prevention
16 Plan.

17 Not to sound like a (inaudible) book, but
18 there's another section in your performance work
19 statement. Roadways are not track. We have staging
20 areas. This is probably not the worst-case scenario
21 I've ever seen from a staging area. For dump truck
22 people, this is probably, like, no big deal to our
23 project in our -- we're here for a long time, and
24 we're partners with the city and health department
25 and all kinds of different organizations here.

1 We're supposed to be health conscious.

2 When you track contaminated soil down the
3 street in neighborhoods, the citizens have trusted
4 us to be good stewards of this property. These are
5 things you want to try to avoid.

6 When you would go out there and spray that
7 down that drain there to the left, that's probably
8 not a good thing. It states in your work statement
9 that you don't even have to use water to spray it.

10 Again, dust. You look at it and say, Hey,
11 I see this any day in Omaha and on other people's
12 projects, that kind of stuff. When you're doing it
13 in the contaminated stock area with lead, EPA has
14 fielded these kinds of complaints.

15 Pauletta and Dave and others go to these
16 public meetings where they take a lot of heat from
17 citizens, and we assure these people that we are
18 monitoring the contractors' activities that talked
19 about water suppression or dust suppression.

20 Not to beat this issue to death, but just
21 more Stormwater Pollution Prevention Plan
22 requirements.

23 Our oversight includes backfill source
24 areas. They're sending people out from BPA that are
25 inspectors in these different -- other environmental

1 laws, and we go out to the backfill sources with the
2 contractors and look at different requirements that
3 pertain to Stormwater Pollution Prevention Plans.

4 Also, like this, they have -- once you
5 clear an area, it's got to be vegetated for a
6 certain number of feet and that kind of thing, so we
7 look at that.

8 We do get EPA inspectors that come up to
9 the site from time to time, and the -- I can tell
10 you that the city and other officials are closely
11 looking at our activities, and do as best as you can
12 to comply with the regulations in your contract.

13 DAVE DRAKE: Okay. We'll first start
14 with the questions that have already been prepared
15 and hopefully this might answer a lot of your
16 questions, so this may hopefully reduce the number
17 of questions.

18 So there are a lot of questions that have
19 already been received by our contracting officers
20 and project officers, so we will go through those.

21 And after we are done with those, we'll
22 open it up to the floor so you're all free to ask
23 whatever you want to ask. Anything that wasn't
24 addressed in the prepared questions, feel free to
25 ask a question because this is your time to do it.

1 And once we are done with this, we really
2 won't be entertaining any more questions. This is
3 really your final opportunity to ask questions. We
4 want the questions in an open manner where everyone
5 hears them, everyone sees them, and I'll cut to the
6 chase a little later.

7 When we get to the actual questions, be
8 sure and give your name and your organization as
9 clearly as you can because we want the court
10 reporter to transcribe everything as accurately as
11 possible. She will have the sign-up list which will
12 help her, but if we all try to speak clearly for her
13 benefit, it will make the transcript much easier to
14 read and much more transparent for everyone. Okay.
15 Yolanda?

16 YOLANDA NERO: Thank you so very much
17 there, Dave. I'm going to be reading the questions.
18 And Ms. Pauletta France-Isetts is going to be
19 answering the questions that we received.

20 Once again, just to reiterate what Dave
21 has stated, when you do have your questions there,
22 please state your name and your company. Okay? But
23 before I start with the questions there, I want to
24 make two statements, and these are very strong and
25 definitive statements.

1 We received several questions as it
2 pertains to the retaining walls, so all questions
3 pertaining to the replacement and/or repair of retaining walls
4 will be charged under the ODC CLIN. An amendment on
5 the pricing schedule will be reissued. Okay?

6 So if you don't hear that question, I made
7 that statement. They're going to be charged under
8 ODC.

9 And then the second statement is as it
10 pertains to the DOL memorandum written in
11 conjunction with EPA projects, primarily on the DOL,
12 the Davis-Bacon Act, that is exclusively -- we're
13 going to exclusively use DBA wage rates.

14 So what am I saying? No SCA labor
15 classifications will be used on this contract as
16 this contract, both of these contracts are
17 competitive. All right? So SCA wage rates will be
18 used.

19 Long story short, no conformances will be
20 pursued once award is made. I'm making that very,
21 very clear. So don't come to me asking for --
22 requesting a conformance. That's not going to
23 happen. All right?

24 Those are two statements I wanted to make
25 very, very clear.

1 Q. Starting with Question No. 1: I was
2 curious to whether the two current solicitation for
3 projects in Omaha, Solicitation R7-12-00005 and
4 00016, require a bid bond for the proposal.

5 A. The answer is no, there is no bid bond
6 required for this solicitation.

7 Q. Question No. 2: If a bid bond is
8 required, what percentage of bond is required?

9 A. No bid bond is required for this
10 solicitation.

11 Q. Next question: If a bid bond is required,
12 please provide the forms that are to be used.

13 A. Again, no bid bond is required.

14 Q. Next question: What are the liquidated
15 damages for this project, if any?

16 A. Liquidated damages are not applicable.

17 Q. Next question: The first paragraph in
18 Section L-6 requires the company to demonstrate
19 experience with contracts of similar size and
20 complexity performed within the last three years.
21 The EPA's current estimate for this project is 30 to
22 60 million.

23 Does the contractor need to demonstrate
24 experience on projects in this dollar range? If
25 not, what is the minimum dollar value the EPA would

1 consider to be of similar size?

2 A. Relevant experience is defined as remedial
3 or removal activities that are performed on hundreds
4 of properties within a construction season.

5 In addition, the residential properties
6 should be within an urban area where there are
7 multiple interested parties and issues to deal with.

8 This requires the prospective bidder to
9 provide evidence that residential work in urban
10 settings has been performed by the contractor in the
11 past three years.

12 Q. Next question: The second paragraph in
13 Section L-6 requires client references for similar
14 contracts.

15 Will experience for employees currently
16 employed by a company but who obtained their
17 experience working for other companies be used to
18 demonstrate experience, or does the experience need
19 to have been performed by the company submitting the
20 bid?

21 A. The company submitting the bid must
22 demonstrate that it has performed similar work in
23 the past. The work effort must be residential yard
24 cleanup, either remedial or removal, in an urban
25 environment experience for key personnel may be from

1 other employers.

2 Q. Next question: Section L-6 specifies
3 minimum requirement for key personnel, example,
4 project manager, superintendent, et cetera. Most of
5 these positions require the person to have a minimum
6 of three years' field experience with residential
7 remediation or cleanup activities. It's unclear
8 what is meant by cleanup activities.

9 For an example, would working on an oil
10 spill qualify as a cleanup activity, or would the
11 cleanup activity have to have been performed on a
12 residential remediation project?

13 A. Cleanup activities for purposes of this
14 contract includes remedial or removal activities
15 that are performed on hundreds of properties within
16 a single construction season.

17 In addition, the residential properties
18 should be within an urban area where there are
19 multiple interested parties and issues to deal with.

20 Cleanup of an oil spill, if it impacted
21 hundreds of residential properties in an urban area,
22 could be considered as experience.

23 Q. Next question: As a follow-up to the
24 previous question, if oil spill cleanup is not
25 considered relevant experience, would the EPA

1 provide examples of cleanup activities?

2 A. Oil spill cleanup would only be considered
3 if hundreds of residential properties within an
4 urban area are cleaned or addressed within a single
5 construction season.

6 EPA wants the prospective bidder to
7 provide experience in removing contaminants from
8 residential yards. These activities need to have
9 been performed in urban areas where there are
10 multiple stakeholders and issues to be considered.

11 Q. Next question: On previous Omaha
12 contracts, the EPA has modified the contract to
13 include new Davis-Bacon wage determinations multiple
14 times each year.

15 Will EPA provide the rationale that will
16 be used to determine when new wage determinations
17 will be flowed down, example, triggered by option
18 periods?

19 A. EPA will provide the Davis-Bacon wage
20 current at the time exercised of the option period;
21 however, multiple changes of the wage determinations
22 may occur within the contract period. The
23 contractor must comply with any change to the wage
24 determinations, but in accordance to Clause I.35,
25 EPA will not make any adjustments to the contract

1 price.

2 Q. Next question: Is EPA going to provide
3 the water treatment plant for a temporary staging
4 yard for both the 8(a) and the small business
5 contracts?

6 A. No. EPA will not be providing the
7 wastewater treatment plant to either contractor for
8 temporary staging.

9 Q. Next question: How many properties has
10 the EPA confirmed still requires remediation?
11 Example, already tested?

12 A. Currently, there are approximately
13 5,000 properties that are known to require
14 remediation. For pricing purposes, if all option
15 periods are exercised, your maximum guarantee is
16 only 700 properties.

17 Q. Next question: What other means of
18 disposal would the EPA be willing to approve other
19 than a Subtitle D waste facility? Can EPA give us
20 some examples?

21 A. At the present time, there is no
22 substitute for disposal at a Subtitle D waste
23 facility.

24 Q. Next question: Is Line Item 0011, sod
25 scraping, per residential property or per

1 residential quadrant?

2 A. Sod scraping, CLIN 0011, is meant to be
3 per residential quadrant. The item is to be used
4 only when the property owner refuses to grant access
5 unless the entire yard or specified quadrants are
6 also sodded.

7 Q. Next question: Could EPA consider
8 revising Incentive No. 2 criteria from small
9 businesses headquartered within the corporate city
10 limits of Omaha to businesses located within
11 50 miles of Omaha?

12 We requested this because we cannot
13 determine if a business is a small business or
14 whether it is headquartered in Omaha.

15 For example, we cannot go to a hardware
16 store and ask them what their three-year average
17 annual revenues were and look up the SBA size
18 standards according to an appropriate NAICS code.

19 Also, it is not proper for us to ask about
20 their business structure or ownership details
21 without them calling the police on us.

22 A. Note -- the note to the QASP on Incentive
23 No. 2 will be amended to delete reference to small
24 business, to delete the reference to corporate city
25 limits, and include a radius within 50 miles --

1 excuse me, and within a 50-mile radius of the former
2 ASARCO SMELTER is located at 500 Douglas. And you
3 should see the amended costs for -- amended
4 solicitation notes.

5 See amended solicitation for a fully
6 renovation QASP and notes.

7 Q. Next question: CLIN 0008, experts (plant,
8 soil, et cetera) disposal is not adequate
9 information to bid. What all is in the et cetera?
10 What are the expected qualifications of these
11 experts?

12 A. Reference to disposal under CLIN 0008 will
13 be deleted. CLIN can be defined as any experts with
14 issues related to agricultural concerns. Expected
15 qualification must be a minimum master's degree and
16 two years' field experience in a scientific
17 discipline relative to the issue of concern.

18 Q. Next question: How many properties does
19 EPA have currently available for soil remediation?

20 A. 5,000 have been confirmed to have lead
21 concentrations greater than 400 parts per million.

22 Q. Next question: Will EPA release a
23 contractor's bond as they complete properties, or
24 will the bond be held until closure of the contract?
25 We ask because bonding limits will be tied up for a

1 long time for a large amount.

2 A. Bonding will not be released as properties
3 are completed. Bonding need only be provided for
4 the current exercised period. Such bonding can be
5 extended, i.e., rolled over and is not cumulative.

6 Q. Next question: Section L-6, will
7 contractors with no soil remediation experience in
8 residential yards be deemed nonresponsive?

9 A. The contract requires that a company have
10 experience in remediating contaminated soil. See
11 qualification stated in instructions for bidder.

12 Q. Next question: Section L-6, what does
13 similar size and complexity mean? Is it a minimum
14 number of properties or a dollar amount to be deemed
15 responsive?

16 A. Relevant experience is defined as remedial
17 or removal activities that are performed on hundreds
18 of properties within a construction season.

19 In addition, the residential properties
20 should be within an urban area where there are
21 multiple interested parties and issues to deal with.

22 The requirement is intended to require the
23 prospective bidder to provide evidence that
24 residential remediation work in an urban setting has
25 been performed by the contractor in the past three

1 years.

2 Q. The last question is can an 8(a) company
3 prime both the 8(a) and the small business
4 contractor? If not, can an 8(a) prime be a sub to a
5 small business prime and provide equipment and
6 personnel?

7 A. The answer is no. They can bid on both
8 contracts; however, they can only win one. An 8(a)
9 prime cannot be a sub to a small business prime or
10 provide equipment and personnel because EPA wants to
11 maximize the small business opportunity and prevent
12 a single contractor teaming arrangement from
13 receiving both awards.

14 YOLANDA NERO: These are all the
15 questions that I have received at this time. If you
16 have questions, we're going to take that short
17 break, about 15 minutes. If you have any questions,
18 please print your question and provide them to us so
19 we can have enough opportunity to answer them, give
20 you all an adequate answer, but we're going to take
21 a 15-minute break. Okay?

22 Thank you all so very much.

23 (8:52 a.m. - Recess.)

24

25

1 (At 9:15 a.m., with parties present as
2 before, the following proceedings were had, to-wit:)

3 YOLANDA NERO: We're going to go
4 ahead and resume. We're going to answer the
5 questions that we received on the spot. And since I
6 don't have a copy of it, it will be one person
7 reading the question and the same person answering
8 the question.

9 And after we respond to these questions,
10 we will allow if you have additional questions at
11 that time, stand up, ask the question, state your
12 name and your company, and then we will try and
13 respond to that.

14 So we're going to ask Ms. Pauletta
15 France-Isetts if you would read the question and
16 provide the answer.

17 PAULETTA FRANCE-ISETTS: We had to
18 switch microphones. That one wasn't working. Okay.
19 The first question that I have in front of me,
20 will -- yeah. Need my glasses. It's tough getting
21 old.

22 Q. Will any past performance from projects
23 conducted beyond the past three years be allowed
24 reviewed and considered?

25 A. The answer to that is no. You have to

1 have the experience within the last three years.

2 Q. Are the addresses -- are the addresses on
3 the CDs for properties different for the small
4 business and the 8(a)?

5 A. As stated before, there actually aren't
6 any addresses, a list of addresses on the CD. There
7 are sketches that have addresses on them.

8 The CDs for the two solicitations are
9 different. There are 200 properties identified for
10 the 8(a), and there are 200 different properties for
11 the small business.

12 Q. What is the name of the landfill waste
13 will go to?

14 A. Actually the prime locates and submits to
15 EPA proposed landfills for consideration. That is
16 not something that EPA dictates.

17 So you will have -- as a successful
18 bidder, you will locate a landfill, make sure that
19 it meets all the criteria to receive waste from a
20 superfund site, and do the negotiations.

21 Q. Payment periods: How many properties
22 before the first payment?

23 A. Each 25 properties completed can be
24 billed. Completed means that the COR, either Dan,
25 Don, or myself, or our representatives will actually

1 walk the properties and make sure that they are
2 complete.

3 Q. Specs on the barrier material?

4 A. The barrier material may only be used with
5 EPA approval and has not been used in several years.
6 We do not anticipate use of barrier material.

7 Q. What was the total tonnage to landfill
8 under the last contract?

9 A. We would suggest that you contact either
10 the landfill in Malvern, Iowa, or the Pheasant Point
11 landfill in Douglas County and ask for that
12 information. Malvern, Iowa, was used by two of the
13 contractors, and Pheasant Point was used by one.

14 Q. The next question: Backfill source and
15 topsoil source from past contractor?

16 A. Each contractor finds and negotiates the
17 sources of the backfill and topsoil. Then they
18 sample it and submit those analyses to EPA for
19 approval.

20 Q. Can the QC and the health and safety
21 person be the same person?

22 A. Yes, if they meet both -- all criteria for
23 both.

24 Q. Is the 11 o'clock briefing a report of
25 this briefing, or will there be new information?

1 A. Some questions submitted under that
2 solicitation -- Solicitation 16 differ from those
3 submitted under this solicitation, so there will be
4 some differences in the 11 o'clock meeting.

5 Q. If an 8(a) company wins both
6 solicitations, can the company have a choice of
7 which solicitation to select?

8 A. No. EPA will make such determinations.

9 Q. Can you meet the qualification
10 requirements through a joint venture or teaming
11 agreement?

12 A. Yes. However, it must be an SBA-approved
13 joint venture. Also, team subcontractors'
14 experience will be considered.

15 Q. How many contracts do you anticipate
16 awarding under each solicitation?

17 A. One contract per solicitation.

18 Q. Will the bid package due date be extended?

19 A. At this time, it is not anticipated that
20 we will extend the due date.

21 Q. Will the prime be responsible for any soil
22 testing post remediation, or is a 10 percent EPA QC
23 testing -- does the EPA QC testing cover this?

24 A. Prime is responsible for QC testing of
25 every property excavated. Every quadrant has to

1 have an individual QC test as do drip zones.

2 Anything that's excavated has to have QC, and the
3 prime is responsible for that.

4 Q. What percentage of excavations on past
5 contracts had to be performed manually due to
6 restricted access?

7 A. While this occurs, this is a relatively
8 small percentage of properties or parcels, but it
9 does happen where you have to hand dig the
10 properties.

11 Q. Okay. What is the average excavation
12 depth?

13 A. There is a minimum of 4 inches; however,
14 each property is unique, so the depth is unknown.

15 Q. Does the Stormwater Pollution Prevention
16 Plan have to be submitted at bid submission?

17 A. No.

18 Q. What firms held the last contracts?

19 A. Incumbent contractors are Environmental
20 Restoration, Coastal, and Prudent Technologies.

21 Q. Can you please describe and explain in
22 more detail the requirements for CLINs 00007 through
23 00011?

24 A. These are indefinite quantity CLINs which
25 means the quantities are not guaranteed. CLINs 9

1 and 10 are being deleted and will now be charged
2 under CLIN 12, the ODC CLIN.

3 As stated earlier, CLIN 7 shall be a
4 professional structural engineer licensed in the
5 state of Nebraska.

6 CLIN 8 can be defined as any expert
7 experienced at issues related to agricultural
8 concerns. Qualifications are a master's degree and
9 two years' field experience in a scientific
10 discipline relative to the issue of concern.

11 YOLANDA NERO: Those are all the
12 on-the-spot questions we received at this present
13 moment. If you have any questions right now, please
14 feel free to stand up, state your name and your
15 company and then the question. This is the last
16 opportunity.

17 FRED WASHINGTON: Fred Washington,
18 Coastal Environmental.

19 Earlier you said that the QC and the
20 health and safety could be the same person if they
21 met the requirements. What about the PM and the QC?
22 Can they be the same person? The QC and the health
23 and safety, can they be the same person?

24 PAULETTA FRANCE-ISETT: Okay. The
25 question was could the QC and the PM be the same

1 person? That answer is no. Could the health and
2 safety and the PM be the same person? That answer
3 is yes. It has happened in the past.

4 DAVE DRAKE: Okay. Just for the
5 transcript, QC is quality control; PM is project
6 manager.

7 Let's take some more questions. This is
8 the final shot.

9 KYLE GUNION: Kyle Gunion, L and M
10 Construction.

11 The post remediation soil testing, are
12 those both samples submitted to a lab, or can we use
13 a (inaudible) device with metal testing?

14 CHESTER STOVALL: Did you get that?

15 COURT REPORTER: What device?

16 KYLE GUNION: Does it have to be both
17 samples submitted to a third-party lab, or can it be
18 on-site testing?

19 PAULETTA FRANCE-ISETTS: As stated in
20 the performance work statement, the actual
21 confirmation sampling, post excavation, is done with
22 an XRF. Okay? And we will have at least 10 percent
23 that we'll check in addition to what you do.

24 DAVE DRAKE: XRF is X-ray
25 fluorescence field instrument.

1 Okay. More questions? Again, this will
2 be the last opportunity, so we would encourage you
3 to ask. We really won't be entertaining any more
4 questions after this as Yolanda mentioned, so it's
5 truly the final attempt so we don't have to close it
6 until we're satisfied that y'all have asked
7 everything you're interested in.

8 Great. Get to state your name and who
9 you're with. Thank you.

10 JODI VACCARO: Jodi Vaccaro, Coastal.

11 I'm just wondering when the transcript
12 will be available.

13 YOLANDA NERO: I don't have a
14 definite answer, but as soon as possible. I have to
15 consult with the transcriber. Okay? It is
16 anticipated -- today is Wednesday. Typically we
17 would have it out probably by no later than Monday
18 at the latest there, but once again, that's out of
19 my control.

20 But since we have a very efficient and
21 very prompt transcriber, she's going to do her best
22 to provide these transcripts to me as soon as
23 possible, and that will be included in the
24 amendment.

25 When I do an amendment, I'm including

1 everything. I don't want to be doing no two, three,
2 four, five amendments. Everything is going to be in
3 there.

4 DAVE DRAKE: Just a quick note too.
5 We often correct the transcript. We'll look over
6 it. We want to make sure it's adequate, so we kind
7 of proofread it, go back and forth a little, so we
8 don't prematurely release it.

9 PAULETTA FRANCE-ISETTS: I just want
10 to make sure that everybody is aware, if you don't
11 ask a question now, we cannot accept any questions
12 or answer any questions after today. You can't call
13 me, you can't call Yolanda, you can't call Jack.

14 CHESTER STOVALL: Or me.

15 PAULETTA FRANCE-ISETTS: Or anyone.
16 We can't answer anything after the closure of this
17 meeting. So if you have questions or you think you
18 might have questions, please ask them.

19 CHESTER STOVALL: Now's the time,
20 folks. This is it. When she closes it, we can talk
21 about the weather in Kansas City. Other than
22 that ...

23 If you're thinking about it and haven't
24 formed it yet, raise your hand. We'll wait for you.

25 DAVE DRAKE: I think we're getting

1 close to the end. I think Yolanda has the CDs here
2 to distribute to everyone. I think everyone -- we
3 passed out the sign-up sheets. We have a few -- I
4 think almost everyone received one or at least each
5 company did. We have a few extras if you need some
6 more.

7 YOLANDA NERO: Once again, I want to
8 thank you all for taking time out of your busy
9 schedule to come and be a part of this pre-bid
10 conference, and I wish you all the best.

11 I will be standing by the door, and I --
12 once again, I'm going to ask you to be honest and
13 just receive one per company. Thank you.

14 DAVE DRAKE: Okay. This is
15 officially closed. We're done.

16 (9:29 a.m. - Adjournment.)

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1 C E R T I F I C A T E

2 STATE OF NEBRASKA)
) ss.
3 COUNTY OF DOUGLAS)

4 I, Brianne L. Starkey, RPR, CRR, General
5 Notary Public within and for the State of Nebraska,
6 do hereby certify that the foregoing proceedings
7 were taken by me in shorthand and thereafter reduced
8 to typewriting by use of Computer-Aided
9 Transcription, and the foregoing forty-eight (48)
10 pages contain a full, true and correct transcription
11 of all the proceedings to the best of my ability;

12 That I am not a kin or in any way
13 associated with any of the parties to said
14 proceedings, and that I am not interested in the
15 event thereof.

16 IN WITNESS WHEREOF, I hereunto affix my
17 signature and seal this 12th day of April, 2012.

18

19

20

BRIANNE L. STARKEY, RPR, CRR
GENERAL NOTARY PUBLIC

21

22 My Commission Expires:

23

24

25

